

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 18-cr-20151-16

Hon. Matthew F. Leitman

v.

ANNINA BANKS,

Defendant.

/

**ORDER DIRECTING DEFENDANT TO SUPPLEMENT
HER MOTION FOR COMPASSIONATE RELEASE (ECF No. 493)**

Defendant Annina Banks is a federal prisoner. On January 31, 2022, Banks filed a motion for compassionate release based on an alleged COVID-19 outbreak at the prison where she is currently incarcerated. (*See* Mot., ECF No. 493.)

As the United States Court of Appeals for the Sixth Circuit recently held, “when [a prisoner] has access to the COVID-19 vaccine,” the prisoner’s potential exposure to the virus while in custody “does not present an extraordinary and compelling reason warranting” compassionate release. *United States v. Lemons*, 15 F.4th 747 (6th Cir. 2021).

In her motion, Banks contends that she is unable to take the COVID-19 vaccine due to (1) “her allergic reaction to the flu shot[;]” and (2) her “having auto immune disease[.]” (*See* Mot., ECF No. 493, PageID.2667.) Bank’s motion, however, has not given the Court enough information to determine whether she is eligible for compassionate release. Specifically, the Court does not have enough information to evaluate Banks’s claim that she is medically unable to take the COVID-19 vaccine. Thus, in order to fully evaluate

Banks's motion, the Court requires additional information from her. The Court therefore **DIRECTS** Banks, by not later than **March 7, 2022**, to file a supplement with the Court that answers the following questions:

1. Regarding your claimed **allergy to the flu shot**:
 - a. Has a medical professional diagnosed you as allergic to the flu shot?
 - b. If the answer to (a) is yes, please provide, to the best of your knowledge:
 - i. The name and specialty of the medical professional who diagnosed you.
 - ii. The date on which you were diagnosed.
 - iii. If this diagnosis was in writing, a copy of such documentation.
 - c. Has a medical professional advised you to not get the COVID-19 vaccine due to an allergy to the flu shot?
 - d. If the answer to (c) is yes, please provide, to the best of your knowledge:
 - i. The name and specialty of the medical professional who advised you.
 - ii. The date on which you were advised not to get the COVID-19 vaccine.
 - iii. If such advice was in writing, a copy of such documentation.
 - e. What symptoms did you experience as a result of your allergic reaction to the flu shot?
 - f. To which components or ingredients in the flu vaccine are you allergic?
 - g. Is there any other information or documentation supporting your contention that you cannot take the COVID-19 vaccine due to your allergy to the flu vaccine? If so, please provide all such information/documentation in response to this order.
2. Regarding your claimed **auto-immune disease**:
 - a. Has a medical professional diagnosed you with an auto-immune disease?
 - b. If the answer to (a) is yes, please provide, to the best of your knowledge:

- i. The name and specialty of the medical professional who diagnosed you.
 - ii. The date on which you were diagnosed.
 - iii. If this diagnosis was in writing, a copy of such documentation.
- c. Has a medical professional advised you to not get the COVID-19 vaccine due to your auto-immune disease?
- d. If the answer to (c) is yes, please provide, to the best of your knowledge:
 - i. The name and specialty of the medical professional who advised you.
 - ii. The date on which you were advised not to get the COVID-19 vaccine.
 - iii. If such advice was in writing, a copy of such documentation.
- e. Is there any other information or documentation supporting your contention that you cannot take the COVID-19 vaccine due to your auto-immune disease? If so, please provide all such information/documentation in response to this order.

Once the Court receives this supplemental information from Banks, it will take appropriate next steps on her motion.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: February 8, 2022

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 8, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan
Case Manager
(313) 234-5126